

### **REMARKS**

Before discussing the claims in detail, it is important to understand the full import of the references principally relied on by the Examiner and their relevance or lack thereof to applicant's invention.

The purpose of the applicant's invention is to make use of the fact that "inactive" or "passive" mouse use exists. During this inactive use, the user is maintaining a cramped motionless position on or over the mouse, without necessity. The mouse could be released, thus providing the muscles with much needed relaxation time, without losing any productive time, since the user wasn't actually doing anything with the mouse anyway. Research has shown that releasing the mouse frequently during passive use does not in any way impede or inhibit productivity. Task time as well as task quality remain unchanged.

It has been shown to be very difficult, if not impossible, for a user to remind himself to only grasp the mouse when actually using it and letting it go when it is 'inactive'. The user needs to be frequently reminded, trained, 'taught' or conditioned to do so. The purpose of the training system is to provide a signal to the user every time he is holding the mouse inactive, with the least possible disruption. After a certain amount of time, which will vary per person, the signal will become subliminal, as in not noticed anymore consciously. The user will automatically remove the hand upon receiving the signal.

For this conditioning to take place, it is absolutely essential that there is a direct coupling between the 'cause' and the 'result', being inactive mouse use and removing the hand after receiving the alarm signal, respectively.

The principal reference relied upon by the Examiner, namely Hesley *et al.*, had been cited for the first time, and while it discloses some isolated features incorporated in the present invention, to use it as a major reason for anticipating applicant's invention is clearly unwarranted. The Examiner has recognized a major inadequacy in Hesley in that Hesley does not provide for the stress relief of the user's hand after a predetermined time in an inactive position, the importance of which is clearly described in

detail in the applicant's specification and called for in all of the claims. One of the key goals of Hesley is to keep on working while using the mouse.

The secondary patents to Lignoul, Serpa and Gould and their failure to provide a basis for modifying certain teachings, have been covered in detail in previous responses, but for the sake of completeness, these references and their inapplicability will be restated herein.

The Examiner's repeated reference to the combination of references to find anticipation as being obvious to one skilled in the art constitutes an unwarranted reconstruction of the disparate teachings of the prior art. The "one of ordinary skill in the art" is a creation of the Examiner after being confronted with applicant's invention. None of the claimed teachings have been combined in the manner claimed by the Examiner nor would they occur to "one of ordinary skill in the art" unless they were exposed to applicant's invention.

The Examiner has applied the doctrine of "hindsight" and it is respectfully suggested that he view applicant's invention in its totality and see it for the originality it possesses and not a number of isolated features found in separate references that no one has combined before.

Turning now to Hesley, the Examiner has taken broad general statements found therein and used them as a basis for rejection while clearly ignoring the fact that the reference does not disclose the structure claimed by the applicant to accomplish the stated result.

A clear example of this is the Examiner's rationale that applicant's detailed system for warning the user that a limb has been maintained in a cramped, potentially damaging posture for a pre-determined period of time of non-use is met by a statement in Hesley that the computer-pointing device reduces stress and helps to prevent cumulative trauma disorder.

The Examiner accurately points out that Hesley does describe a system where the presence of a hand on the mouse is detected and that there is a timing device to determine the length of time the hand is present primarily when operating the mouse and means for generating an alarm when the time in question exceeds a preset time interval. Most importantly, the Hesley system is not tied into the concept

of passive or inactive mouse use to prevent the maintaining of a sustained cramped motionless position of a limb that could cause limb damage. Isolated teachings of some of applicant's features do not provide anticipation unless they are combined and operate in the manner called for.

It remains to note that in the rejection of claims 16, 26, 28 and 32, the Examiner included the combination of Hesley and Lignoul. This is an unwarranted combination since Lignoul clearly does not relate to applicant's invention and to combine the isolated teachings in Lignoul is a misapplication of Lignoul. Lignoul is directed to a system where the screen saver mode of a computer is not activated as long as the person using the computer remains in the vicinity of the computer. As in Hesley there is no mention of the concept of measuring inactive mouse use.

The applied references do not deal with the concept of inactive mouse use and the desire to limit or reduce inactive mouse use to reduce the cramping problem liable to occur when a hand is tightly secured to a mouse. It would not be obvious to a person skilled in the art to combine the teachings of Hesley and Lignoul in the way described in applicant's invention.

As per dependent claim 17, we acknowledge that Lignoul teaches a system that includes a sensor capable of detecting the presence of a limb placed over an element, but it is not this isolated element that is being claimed. It is this feature as a novel combination with the elements of claim 16 that is being claimed.

Dependent claim 18 also claims a novel combination of the features of claims 16 and 17 plus the tactile signal feature and is not merely claiming the use of a tactile signal which is known to be a feature used in the other situations. Hesley does not teach a tactile signal to the user to remove the hand or take any action to relieve tension.

Dependent claim 21 also sets forth a novel combination of the features of claim 16 or 17 plus an alarm signal having multiple signals.

Dependent claims 22, 23, 30 and 31 similarly contain alarm and signal features which in combination with the claims from which they depend define new and novel combinations.

As to the rejection of claim 27, it was acknowledged that Hesley teaches a system detecting the presence of a hand. However in this patent we cannot find reference to a system that generates an alarm signal if no user activity is detected. What the Examiner refers to is a system that creates a warning signal to the user after too much user activity (Hesley), or in the case of Lignoul, a trigger to enter into screen saver mode. Thus the combination of Hesley and Lignoul does not anticipate this claim.

The rejection of claims 19, 20 and 29 as being unpatentable over Hesley and Lignoul in view of Serpa is believed to be unsupportable and should be withdrawn. The inadequacies of Hesley and Lignoul, taken separately or in combination, have been spelled out in detail above. Serpa does not provide a tactile warning signal in that the relevant aspect of Serpa is to provide tactical information to the user. It is intended that the user continue to hold onto the mouse in order to be able to interpret that information. In applicant's invention, the vibration caused by the eccentric mass is meant to lead to immediate removal of the hand. In addition, Serpa describes a "stabilized" tactile output which is exactly the opposite of the eccentric mass system set forth in the instant invention. In short, the mouse is not supposed to vibrate at all, only portions where certain digits are placed are supposed to move to provide information. Without the concept of inactive use, it is not obvious for a person skilled in the art to combine Hesley, Lignoul and Serpa in order to find anticipation of claims 19, 20 and 29.

Furthermore, Serpa expressly describes his intentions to avoid the mouse housing from vibrating since this could reposition the cursor on the screen, damage internal components or make the type of message that is being conveyed indistinguishable. Serpa further elaborates on his solution solving that problem by using a stabilized mass that avoids vibration of the housing.

As to the rejection of claims 24 and 25 over Hesley and Lignoul in view of Gould, we have dealt in depth with the unwarranted combination of Hesley and Lignoul. The Examiner has further compounded the problem by combining these teachings with Gould which does not supply the deficiencies noted with respect to Hesley and Lignoul. In Gould the system disclosed therein monitors activity and warns the user to take a rest when warranted to reduce RSI. The activity rate does not

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constitute a risk profile but merely warns the user when a certain level of activity is exceeded at that very same moment. Moreover, Gould does not store any data on the presence of a hand on the mouse.

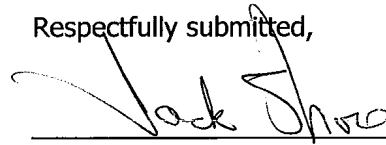
It is respectfully submitted that the pending claims 16-32 are allowable over the art of record and the application is in condition for allowance.

Such action is solicited.

If the prosecution of this application can be expedited by a telephone discussion please feel free to call Jack Shore at 312-521-2778.

Date: April 5, 2007

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jack Shore", written over a horizontal line.

Jack Shore  
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